

Docket No.: 12810-00267-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Klaus Hahn et al.

Application No.: 10/581,679

Confirmation No.: 7403

Filed: June 6, 2006

Art Unit: 1796

For: MOLDABLE-FOAM MOLDINGS COMPOSED
OF EXPANDABLE PELLETIZED FILLED
POLYMER MATERIALS

Examiner: Negrelli, Kara B.

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed April 1, 2009, Applicant hereby provisionally elects Group II, claims 7-9, drawn to expandable pelletized thermoplastic polymer materials, for continued examination, with traverse.

Applicant notes the Examiner's reason for the restriction is due to lack of unity. However, Applicant directs the Examiner's attention to the fact that the above application is a 35 U.S.C. 371 Application of International Application No. PCT/EP2004/013748 and that the unity of the invention was not therein contested. Therefore, Applicant believes that the current objection (lack of unity) is improper, and respectfully requests that the Restriction Requirement be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00267-US1 from which the undersigned is authorized to draw.

Dated: May 1, 2009

Respectfully submitted,

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